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April 8, 2015

VIA EMAIL & U.S. MAIL

Mr. Eric Schaaf
Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway
New York, NY 10007

Re: Diamond Alkali Superfund Site - Lower Passaic River Study Area

Dear Eric:

On behalf of Covanta Essex Company ("Covanta") and Sequa Corporation ("Sequa"), I write concerning *de minimis* and *de micromis* settlement negotiations for the Lower Passaic River Study Area (Operable Unit 2) of the Diamond Alkali Superfund Site (the "LPRSA"). Per your letter to Daniel Riesel, dated March 20, 2015, it is our understanding that the United States Environmental Protection Agency ("USEPA") anticipates that *de minimis* and *de micromis* settlement negotiations will commence in earnest upon the issuance of a Record of Decision ("ROD") for the lower eight miles of the LPRSA.

Given their tenuous connection to the LPRSA, Covanta and Sequa request that USEPA include them in any future *de minimis* or *de micromis* settlement negotiations for the site.

If you have any questions, please do not hesitate to contact me at (212) 906-4690.

Sincerely,



Gary P. Gengel
of LATHAM & WATKINS LLP

cc: Sarah Flanagan, Esq. (USEPA)
Nancy Tammi, Esq. (Covanta)
Barbara Kelly, Esq. (Wilson Elser)
Brian Buniva, Esq. (Sequa)